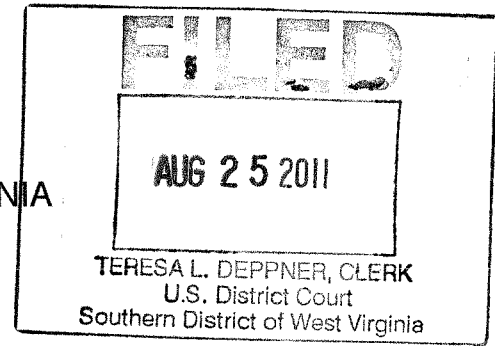


UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF WEST VIRGINIA
Charleston, West Virginia



United States of America,
Plaintiff,

v

Case No.: 2:10-cv-1087

\$88,029.08 and \$27,671.50
Defendants.

Katherine A. Hoover MD and
John F. Tomasic, interested parties,
no criminal charges pending.

NOTICE REGARDING FIFTH AMENDMENT

The Court has improperly issued an Order compelling Katherine A. Hoover MD to appear for a deposition by AUSA Westfall. Dr. Hoover hereby claims her Fifth Amendment rights regarding any question that could be asked by the United States Attorney for the SDWV including please state your name for the record. The United States Attorney for the SDWV, upon information and belief, has an ongoing criminal investigation into the legal practice of medicine in Williamson, West Virginia from 2005 to March 2, 2010. Any information given by Dr. Hoover could be used against her.

THEREFORE Katherine A. Hoover MD will not be present for any deposition scheduled by the United States Attorney for the SDWV until all criminal investigation has been terminated. When the criminal investigation has been terminated, any deposition would be moot. Mr. Tomasic and Dr. Hoover have demonstrated that all the money held should be returned forthwith. The \$27,671.50 has all ready been Ordered to be returned, but has not been. The \$88,029.08 is money belonging to Mr. Tomasic and must also be returned. No deposition is necessary to ascertain these facts. These facts are all ready part of the record. If AUSA Westfall persists in wasting the limited resources of the United States of America on a deposition that will not be held, AUSA Westfall should be held accountable.

Respectfully submitted,




Katherine A. Hoover MD



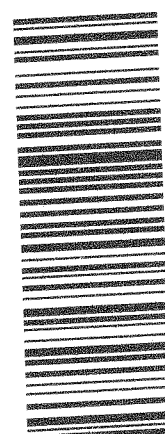
CERTIFICATE OF SERVICE

I, John F. Tomasic, to hereby certify that a true and correct copy of NOTICE REGARDING THE FIFTH AMENDMENT has been mailed to AUSA Fred Westfall 300 Virginia Street Suite 4000 Charleston, West Virginia 25301 on August 22, 2011.



John F. Tomasic
c/o Dr. Norman Gay
N-3222
West Bay Medical Clinic
West Bay Street
Nassau, N.P., Bahamas

1430 Skidaway
Ct
Hollywood, FL
33020



7010 3090 0001 2606 5716

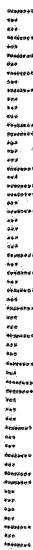
RETURN RECEIPT
REQUESTED

AUG 25 2011

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Court, SD of FL
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Charleston, WV

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